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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/532,398	03/22/2000	Paul A. Boerger	10991888-1	8092
22879	7590	11/21/2003	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			FERRIS III, FRED O	
		ART UNIT	PAPER NUMBER	
		2123	4	
DATE MAILED: 11/21/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

## DETAILED ACTION

1. *Claims 1-29 have been presented for examination based on applicant's amendment filed 28 October 2003 (paper #3). Claims 1-29 remain rejected.*

### **Response to Amendment**

2. *Applicant's amendment filed 28 October 2003 (paper #3) has been reviewed by the examiner and found to be Non-responsive to examiner's previous office action (paper # 2) because the response has not addressed the Double Patenting rejection of claims 1-29. Section 714.02 of the MPEP states the following:*

**"714.02 Must Be Fully Responsive**

37 CFR 1.111. Reply by applicant or patent owner to a non-final Office action.

(a)

(1) If the Office action after the first examination (§ 1.104) is adverse in any respect, the applicant or patent owner, if he or she persists in his or her application for a patent or reexamination proceeding, must reply and request reconsideration or further examination, with or without amendment. See §§ 1.135 and 1.136 for time for reply to avoid abandonment.

(2) A second (or subsequent) supplemental reply will be entered unless disapproved by the Commissioner. A second (or subsequent) supplemental reply may be disapproved if the second (or subsequent) supplemental reply unduly interferes with an Office action being prepared in response to the previous reply. Factors that will be considered in disapproving a second (or subsequent) supplemental reply include:

(i) The state of preparation of an Office action responsive to the previous reply as of the date of receipt (§ 1.6) of the second (or subsequent) supplemental reply by the Office; and  
(ii) The nature of any changes to the specification or claims that would result from entry of the second (or subsequent) supplemental reply.

(b) In order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and **must reply to every ground of objection and rejection in the prior Office action**. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must appear throughout to be a bona fide attempt to advance the application or the reexamination proceeding to final action. A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.

(c) In amending in reply to a rejection of claims in an application or patent under reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections

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made. The applicant or patent owner must also show how the amendments avoid such references or objections."

*In the interest of compact prosecution applicants should address all issues in a timely fashion. Otherwise, for example, if applicant's first response to the double patenting rejections were given in an appeal brief, the examiner would not be able to respond to applicants newly presented arguments. Applicant's lack of argument has been treated as inadvertent. Accordingly, applicants are given one (1) month to respond.*

### **Conclusion**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Ferris whose telephone number is 703-305-9670 and whose normal working hours are 8:30am to 5:00pm Monday to Friday.

*Any inquiry of a general nature relating to the status of this application should be directed to the group receptionist whose telephone number is 703-305-3900.*

The Official Fax Numbers are:

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November 17, 2003

*Hugh Jones*  
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